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In re Application of	:	DECISION ON
Kia SILVERBROOK	:	
Application No.: 10/510,151	:	
PCT No.: PCT/AU02/00764	:	
Int. Filing Date: 13 June 2002	:	
Priority Date: 12 April 2002	:	PETITION UNDER
Attorney's Docket No.: YU181US	:	
For: PERMANENTLY FIREPROOF FLAME	:	
GUARD	:	37 CFR 1.137(b)

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 05 October 2004.

BACKGROUND

On 13 June 2002, this international application was filed, claiming an earliest priority date of 12 April 2002. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 12 October 2004.

On 05 October 2004, applicant filed the Transmittal letter for entry into the national stage in the United States, which was accompanied, inter alia, an executed declaration but no basic national filing fee was filed at such time.

On 14 April 2005, the United States Designated/Elected Office mailed a Notification of Insufficient Basic National Fee Required And/Or Missing Copy of International Application Under 35 U.S.C. 371 and 37 CFR 1.495 indicating that the basic national fee paid to date is \$0.00. The Notice also indicated that if the basic national fee to enter the national stage in the United States under 35 U.S.C. 371 must be paid 30 months from the priority (37 CFR 1.495(b)(2)).

On 30 May 2006, applicant filed the instant petition under 37 CFR 1.137(b) accompanied by the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1),(c)(2), and (c)(4) date of this application is 30 May 2006.



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